



PATENT  
ATTORNEY DOCKET NO.: 051481-5047-01

AFS  
GP92856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JOHN E. COOK, ET AL. )  
Application No.: 09/165,772 ) Group Art Unit: 2856  
Filed: 2 October 1998 ) Examiner: J. Politzer  
For: TEMPERATURE CORRECTION )  
METHOD AND SUBSYSTEM FOR )  
FOR AUTOMOTIVE EVAPORATIVE )  
LEAK DETECTION SYSTEMS )

#16  
OKD  
9/20/01

**NOTICE OF APPEAL TO THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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TECHNOLOGY CENTER 2800

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 15, 2001, the period for replying to which has been extended three-months through 17 September 2001 (15 September 2001, being a Saturday), rejecting the following claims: Claims 1-3 and 17.

1. **Extension of Time**

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 390.00	\$195.00
[x] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

09/10/2001 SDENB0B1 00000007 09165772

01 FC:117 890.00 CP  
02 FC:119 310.00 CP

The Commissioner is authorized to charge necessary fees for such extension of time to Deposit Account No. 50-0310. The amount is \$\_\_\_\_\_.  
 The fee in the amount of **\$890.00** is enclosed.

2. **Notice of Appeal Fee - 37 C.F.R. § 1.17(b)**

The fee in the amount of \$310.00 to cover the appeal fee is enclosed.  
 The Commissioner is authorized to charge the notice of appeal fee to Deposit Account No. 50-0310. The amount is \$310.00.

3. **Fee Total(s):**

The Notice of Appeal Fee Under 37 C.F.R. §1.17(b) of \$310.00 with a /Three-Month Extension of Time Fee of \$890.00, totaling **\$1,200.00** is enclosed.

4. **Constructive Petition**

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 17, 2001  
By: Scott J. Anchell  
Scott J. Anchell  
Reg. No. 35,035

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